

Before the  
Administrative Hearing Commission  
State of Missouri



DIRECTOR OF DEPARTMENT OF  
PUBLIC SAFETY,

Petitioner,

vs.

DARRIN G. SORRELL,

Respondent.

No. 13-1044 PO

**DECISION**

Darrin G. Sorrell is subject to discipline because he committed criminal offenses involving moral turpitude while on active duty.

**Procedure**

The Director of the Department of Public Safety (“the Director”) filed a complaint on June 12, 2013, seeking this Commission’s determination that Sorrell’s peace officer license is subject to discipline. Sorrell was served with a copy of the complaint and our notice of complaint/notice of hearing on June 15, 2013, but did not file an answer or other response.

The Director filed a motion for summary decision (“the motion”) on July 22, 2013. We allowed Sorrell until August 6, 2013, to respond to the motion, but he did not respond. Pursuant to 1 CSR 15-3.446(6)(A),<sup>1</sup> we may decide a motion for summary decision if a party establishes

---

<sup>1</sup> All references to the CSR are to the Missouri Code of State Regulations as current with amendments included in the Missouri Register through the most recent update.

facts that entitle that party to a favorable decision and no party genuinely disputes such facts. Those facts may be established by stipulation, pleading of the adverse party, or other evidence admissible under the law. The Director's evidence consists of an affidavit concerning Sorrell's licensure and certified copies of records from the Circuit Court of Butler County pertaining to *State of Missouri v. Darrin G. Sorrell*, the criminal case brought against Sorrell. The following facts, based on that evidence, are undisputed.

### **Findings of Fact**

1. Sorrell was a licensed peace officer at all relevant times.
2. On September 15, 2011, Sorrell went to the residence of Linda C. Sauer, a resident of Oregon County, Missouri. Sorrell drove to Sauer's residence in a patrol vehicle and was wearing his sheriff's deputy uniform.
3. Sorrell told Sauer that he had been directed by a task force to investigate her and her daughter for allegedly dealing marijuana. Sorrell showed Sauer copies of the driver's license photographs of Sauer and Sauer's daughter, claiming that the photographs had been sent to him by the task force as part of a packet.
4. Sorrell told Sauer that he could make the investigation "go away" if she gave him two checks, each in the amount of \$2,900. Sauer gave Sorrell the checks.
5. Sorrell deposited one check into his checking account and cashed the other.
6. In a subsequent telephone conversation, Sorrell told Sauer that the investigation into Sauer and her daughter was over.
7. In an interview conducted on October 12, 2011, Sorrell admitted to Sgt. Wiedemann that he had not been directed to conduct any type of investigation involving Sauer or Sauer's daughter and had not conducted any such investigation on his own. Sorrell further admitted that he had obtained the driver's license photographs and other information from a

computer check he ran on them. He also admitted that he was having financial trouble and that he knew that what he had done was wrong.

8. On November 18, 2011, Sorrell was charged by information with committing the Class C felony of stealing by coercion in violation of § 570.030.<sup>2</sup>

9. On July 24, 2012, Sorrell pled guilty in the Circuit Court of Oregon County to stealing in connection with the above incident. He was sentenced to three years' imprisonment, with the imposition of the sentence being suspended, and placed on supervised probation for three years.

### **Conclusions of Law**

We have jurisdiction to hear this case.<sup>3</sup> The Director has the burden of proving that Sorrell has committed an act for which the law allows discipline.<sup>4</sup> The Director argues that there is cause for discipline under § 590.080.1(2) and (3):

1. The director shall have cause to discipline any peace officer licensee who:

\* \* \*

(2) Has committed any criminal offense, whether or not a criminal charge has been filed;

(3) Has committed any act while on active duty or under color of law that involves moral turpitude or a reckless disregard for the safety of the public or any person[.]

As used in § 590.080.1(2), a “criminal offense” may be “any felony, misdemeanor, or infraction.”<sup>5</sup> Sorrell pled guilty to felony stealing. There is cause to discipline his license under § 590.080.1(2).

---

<sup>2</sup> RSMo Supp. 2010. Statutory citations are to RSMo Supp. 2012 unless otherwise indicated.

<sup>3</sup>Section 590.080.2.

<sup>4</sup>*Missouri Real Estate Comm’n v. Berger*, 764 S.W.2d 706, 711 (Mo. App., E.D. 1989).

<sup>5</sup>Section 556.061(19).

Section 590.080.1(3) allows discipline when a peace officer has committed any act while under color of law that involves moral turpitude. In this case, Sorrell acted under color of law when he falsely purported to act in the performance of his official duties while being clothed with the authority of law, in that he wore his uniform and drove a patrol car while he was extorting money from Sauer under the pretext that she and her daughter were suspects in a criminal case, and he could make the case “go away.”<sup>6</sup> Furthermore, stealing is a crime of moral turpitude.<sup>7</sup> There is cause to discipline Sorrell’s license under § 590.080.1(3).

### **Summary**

Sorrell is subject to discipline under § 590.080.1(2) and (3).

SO ORDERED on August 14, 2013.

\s\ Sreenivasa Rao Dandamudi

SREENIVASA RAO DANDAMUDI  
Commissioner

---

<sup>6</sup> See *Johnson v. Phillips*, 664 F.3d 232, 239-40 (8<sup>th</sup> Cir. 2011) (uniformed police officer acted under color of law when he ordered woman with outstanding warrant to follow him to an empty parking lot, where he sexually assaulted her).

<sup>7</sup> See *In re Carpenter*, 891 A.2d 223 (D.C. 2006) (moral turpitude is inherent in crimes that have an intent to defraud or steal). See also *U.S. v. Morrow*, 2005 WL 3163801 (D.D.C. June 2, 2005) and *Johnson v. Commonwealth*, 581 S.E.2d 880 (41 Va. App., 2003) (misdemeanor crimes of moral turpitude are limited to those crimes involving lying, cheating, and stealing).